

## THREE WITNESSES DESCRIBE FINDING MARY PHAGAN'S BODY

### BY SECTIONS TAX REFORM BILL IS ARGUED IN HOUSE

Test Vote May Come Today on Effort to Expunge From the Measure Section Sixteen.

### SENATE INTERESTED IN PROGRESS OF BILL

That Body, Decisively for Revision, May Reject Appropriations Measure, Should It Fail.

With both sides lined up for the sharpest parliamentary contest of this legislature, the house took up the consideration of the tax equalization bill, reported by the committee on ways and means, yesterday morning.

Both sides—namely, those who favor and those who oppose a state board of equalizers—were distinctly on their mettle, and each sparring for the advantage, but no vote taken during the day could be regarded as a test or an indication of what the final outcome may be.

Whatever the house may do, it is almost certain that the senate will pass a strong equalization measure. The sentiment in that body is said to be overwhelmingly in favor of a substantial measure of tax reform.

Feeling in Senate. So acute was the feeling become on the subject that the senate will hardly act on the general appropriation bill passed by the house before it learns what the house will do in the matter of tax revision, and the provision of sufficient revenue to pay the items of that bill.

A leading member of the senate committee on appropriations has gone so far even as to state that, unless the house passes an equalization measure the senate will not accept an appropriation bill which the governor has shown to be \$200,000 in excess of the estimated revenue of the state, but will return it to the house for reductions that will bring it clearly within the estimated revenue.

Appropriations Jeopardized. It will be seen that every item of the general appropriation bill may be jeopardized by the adverse action of the house on the tax equalization measure. Members of the house who are interested in the various items of the appropriation bill will doubtless take note of this fact and govern their actions accordingly.

If a cut in appropriations is found to be necessary, it is not unlikely that the senate will insist upon a proportional reduction all along the line, affecting the common school fund and the pensions as well as the various state institutions.

Lipscomb Bill Up. Meanwhile, the house is going over the Lipscomb bill section by section with a view to perfecting it. With the following slight changes the bill was adopted by the house yesterday, incorporating in it the various amendments of the ways and means committee, down to section 15. The changes are:

Section 1, amended on the suggestion of Representative Moon, of Froup, so as to provide for the appointment of one member of the state board of equalizers from north Georgia, the second from middle Georgia, and the third from south Georgia.

Section 12, amended by Representative...

Continued on Page Fourteen.

Be Your Own Boss

Every day someone advertises in The Constitution's classified for agents to sell household necessities.

Take a line, learn it; sell it. Become known in a community. Then hire agents yourself. Soon you'll have a nice little business that will bring you in good returns. Aside from the money you make, the training will fit you for a bigger job later on.

Turn to The Constitution's classified now and read the ads under Agents and Salesmen Wanted.

### The Defense Center of the Trial of Leo M. Frank



From a photograph and crayon sketch by Louis Gregg. Near the center is Leo Frank, the defendant, with glasses. At his back is his wife, and to his left, near the judge's stand, is his mother—all three eagerly facing the jury. Luther Rosser, to the left, looks over the bended head of his associate attorney for the defense, Reuben Arnold, who is taking notes. The lifelikeness of the scene is caught in the attitude of the man with his hand to his ear in the foreground.

### FINLEY TO BE HEAD OF HARRIMAN LINE

Extensive Changes to Take Place in Southern Railway on September 1, According to Report.

Macon, Ga., July 29.—(Special.)—Extensive changes in the management of the Southern railway and its allied lines are to become effective on September 1, says an "underground" report which comes from an authoritative source.

W. W. Finley, president of the Southern, is said to be slated for the presidency of the Harriman line, either the Southern Pacific or Union Pacific, and will be succeeded as president of the Southern railway by E. H. Cozzaman, now vice president and general manager, and J. M. Culp will succeed Mr. Cozzaman.

John B. Munson, vice president and general manager of the Georgia Southern and Florida railway, and receiver for the Macon and Birmingham railway, according to the report, will become vice president and general manager of the Mobile and Ohio, considered one of the best properties of the Southern.

From this point on the report is not so definite, but it is stated W. F. Kaderly, now general superintendent of the G. S. & F., will succeed Mr. Munson as vice president and general manager of that road. With the promotion of Mr. Munson to the Mobile and Ohio, R. V. Taylor, now vice president and general manager of that road, it is said, will become vice president and general manager of the Queen and Crescent system, with headquarters at Cincinnati. Horace Baker, now holding that position, is said to be slated for the vice presidency of the Southern railway, with headquarters at Washington.

In addition to these it is said to be planned to have a general shifting of all the vice presidents of all the allied lines of the Southern railway, including the Alabama Great Southern, New Orleans and Northeastern, Vicksburg, Shoreport and Pacific. All of these changes were at first slated for the end of the current year, which was July 1, but have been delayed.

### NEW LEE MAY GET HIS FREEDOM TODAY

Solicitor Dorsey Will Probably Take the Matter Up With Judge L. S. Roan.

Now that Newt Lee, who has been held since the morning of April 27, when he telephoned the police of the presence of Mary Phagan's dead body in the pencil factory basement, has finished his testimony, the question has arisen in the minds of many as to what will be done with him.

When an attempt was made recently to secure Lee's freedom upon a habeas corpus, Solicitor Hugh Dorsey declared that he had no case against Lee and did not intend to ask his indictment, but that he regarded him as too valuable a witness to be turned loose.

It is expected that the solicitor will take up with Judge L. S. Roan today the question of giving Lee his freedom and that before the day is over the night watchman will see his first day of freedom since the morning when the murder was discovered.

What will become of Lee is not known. If the darkey had his choice he would probably be set down in a watermelon patch, where the melons grow eternal and where the little cucurbits on the ends of the luscious fruit sprouted forth ample quids of "bacca."

It was for a melon that Newt pined while in jail and it was for a "chaw of bacca" that he pleaded when Attorney Luther Rosser finished his grueling cross-examination Tuesday.

### NAFF KILLS EX-WIFE AND SHOTS HIMSELF

Birmingham, Ala., July 29.—At 8 o'clock this morning Henry J. Naff, son of an old and respectable family of Birmingham, shot and killed his former wife, Marie Naff, and then turned the revolver on himself and inflicted a fatal wound.

### MULHALL IS A LIAR AND BLACKMAILER, SAYS UNDERWOOD

Democratic Leader of House Appears Before the Lobby Probers and Denounces the Star Witness.

Washington, July 29.—Martin M. Mulhall, practically finished today his identification of letters he wrote and received in the ten years he claims to have been the lobbyist for the National Association of Manufacturers. Tomorrow the senate investigation committee will turn its attention to examination of Mulhall, and attorneys for the association and for the American Federation of Labor, also involved in the correspondence, will begin cross-examination of Mulhall.

Robert McCarter, counsel for the association, has about 250 questions he wishes to ask the witness, Attorney Jackson H. Reardon, for the American Federation of Labor, has prepared about 100 more and no one knows how many separate questions members of the committee will submit to Mulhall before he is allowed to quit the witness chair in the senate wing of the capitol, and face the special house committee that is eagerly waiting his appearance across the rotunda.

Underwood Denounced Mulhall. Mulhall's last day as an identifier of letters proved the most exciting of his two weeks on the stand. He was called a "liar" and a "blackmailer" by Majority Leader Underwood of the house and he swore he had tried to get Chairman Wilson of the labor committee interested in the story he is now telling and that Speaker Clark and Minority Leader Mann, of the house, had turned down an opportunity to conduct an investigation of his activities. The speaker and Mr. Mann, he said, had been approached on this subject by Representative James T. McDermott, of Illinois.

"Neither Mr. McDermott nor anybody else ever showed me the Mulhall letters and papers," said Speaker Underwood.

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### BIRDMAN DROPS BOMBS AROUND MEXIC WARSHIP

Opponents of General Huerta Use Aeroplane at the Siege of Guaymas.

At the front above Guaymas, Mexico, July 29.—Dieder Massen, from his big plane, dropped bombs Monday afternoon around the gunboat Tampico, lying in Guaymas harbor.

Four bombs were dropped, one striking within a few feet of the federal gunboat. This probably gave rise to the report that the boat had been struck.

The French aviator operated under heavy fire as he circled over the town and bay, but returned unharmed.

The Southern Pacific of Mexico railway is being operated by the insurgents as far as San Blas.

What's Worth Having Is Worth Working For.

Look at the leading men of Atlanta. Few were born with the golden spoon. They knew what they wanted and they worked and they fought—and won.

### MEDICAL PRACTICE MEASURE PASSED

With Two Amendments the Bill Is Adopted by the Upper House by a Vote of 36 to 4.

After two hours of debate the medical practice bill, creating a composite board of medical examiners in this state and providing for the regulation of the practice of medicine in Georgia, was yesterday passed by the state senate by a vote of 36 to 4. Those voting against the bill were Senators Bush, Huid, Dickey and Tarver. Senator Dickey asked unanimous consent that he be allowed to change his vote, but Senator Tarver objected.

The bill was passed with an amendment offered by Senator McNeil, allowing an appeal to the superior court for doctors who have had their licenses revoked by the state board.

An amendment offered by Senator Stark requiring that all examinations for admission to practice in Georgia be held in writing was also passed.

Many other amendments were offered, but all were voted down by practically unanimous votes, except the one of Senator Watts, which allowed mental and spiritual doctors to charge fees for their services. This was lost by a vote of 16 to 13.

Those speaking for the bill were Senators Richardson, Miller, Allen, McNeil, Brown, Stark and Anderson. No senator spoke outright against the measure, although many spoke for and against the numerous amendments.

Tuesday afternoon the appropriation committee of the senate started work on the general appropriation bill which recently passed the house and many speakers were heard asking for appropriations.

### NEWT LEE STICKS TO ORIGINAL STORY DESPITE ATTEMPTS TO CONFUSE NEGRO

Striking Feature of Day's Proceedings Was the Evident Effort on Part of Luther Rosser to Connect Newt Lee with the Commission of the Crime, or to Show He Knew More Than He Has Told.

### DORSEY SAYS DEFENSE IS TRYING TO IMPEACH TESTIMONY OF STARNES

Mr. Rosser Declared, However, That All He Was Trying to Do Was to Test the Memory of Detective Who Was Among First to Investigate the Murder of Mary Phagan in Factory.

During the second day's proceedings of the Leo M. Frank trial the sensation for which the morbidly curious have been craning their necks failed to materialize.

Nothing that has not been printed in the papers was brought out. The striking feature of the day's proceedings was the evident effort on the part of Luther Rosser to connect Newt Lee with the commission of the crime, or to show that he knew more about the death of Mary Phagan than he has thus far told.

As on the previous day, Lee stuck to his original story, and through hours of what would have been acute torture to a man of refined sensibilities he was stolid in reiterating the details of how he had found the body, and of Leo M. Frank's words and actions on Memorial day, when the murder of Mary Phagan was committed.

Efforts Fail To Confuse Negro. Seasoned courthouse officials and old reporters marveled at the way the negro held out against the cross-fire of questions, all aimed to confuse him.

When at a loss to understand a question, he would have it repeated to him sometimes half a dozen times and then he would illustrate his actions and the actions of Frank by graphic pantomime.

A drawing depicting a cross section of the National Pencil factory played an important part in the day's proceedings. Lee was made to point out on this drawing just what he had done and where he had been in the building the night of the murder. The drawing was difficult for an illiterate person to decipher, but Lee was not confused to any extent, and then only for the moment.

Trial Progresses Slowly. Only three witnesses were placed on the stand Tuesday—Newt Lee, who was testifying when adjournment came Monday; Sergeant Dobbs, of the police force, who went to the pencil factory the morning the body was found.

### Weather Prophecy LOCAL THUNDER SHOWERS.

Georgia—Local thundershowers Wednesday and Thursday.

Local Report. Lowest temperature... 72. Highest temperature... 81. Mean temperature... 76. Normal temperature... 77. Rainfall in past 24 hours, inches... 0.1. Deficiency since January 1, inches... 1.02.

Reports From Various Stations.

STATIONS AND WEATHER.	Temperatures.	Rain.		
	p.m.	High	Low	inches.
Atlanta, rain, c'd'y.	78	91	82	.02
Baltimore, c'd'y.	82	88	84	.04
Birmingham, rain.	72	84	84	.04
Buffalo, clear, c'd'y.	80	78	80	.00
Charleston, pt. c'd'y.	82	90	80	.00
Chicago, clear.	86	93	80	.00
Cincinnati, clear.	82	85	80	.00
Galveston, clear.	84	86	80	.00
Hattiesburg, c'd'y.	70	86	80	.00
Indianapolis, clear.	82	85	80	.00
Kansas City, clear.	96	100	80	.00
Knoxville, c'd'y.	84	94	80	.00
Louisville, clear.	82	85	80	.00
Memphis, c'd'y.	83	94	80	.00
Mobile, c'd'y.	74	86	82	.00
Montgomery, clear.	74	85	80	.00
Monroe, pt. c'd'y.	76	82	80	.00
New Orleans, rain.	74	88	80	.00
Oklahoma, clear.	86	93	80	.00
Pittsburg, clear.	82	90	80	.00
Portland, Ore., clear.	74	79	80	.00
Raleigh, rain.	74	85	80	.00
San Francisco, c'd'y.	60	64	50	.00
St. Louis, pt. c'd'y.	86	98	80	.00
St. Paul, pt. c'd'y.	88	92	80	.00
Shreveport, c'd'y.	80	92	80	.00
Tampa, pt. c'd'y.	84	92	80	.00
Washington, c'd'y.	82	98	81	.00

C. F. von HERRMANN, Section Director.

was discovered, and John Starnes, of the Atlanta detective department, who called on Leo Frank, April 26 and informed him of the murder. When Starnes was had Starnes was still on the stand.

A sharp clash took place between Solicitor General Dorsey and Luther Rosser during the time Starnes was testifying. Mr Rosser sought to make Starnes recall his exact words while testifying before the coroners in quest Mr Dorsey claimed that this was an effort to impeach the witness. Mr Rosser replied that it was only an effort to test the memory of the witness.

The crowd Tuesday was considerably larger than that of Monday and during the afternoon session scores were standing.

Frank maintained the outward calm of the day previous. At one time during New Lee's testimony he laughed out loud at some sally of Luther Rosser's.

Lee Sticks To Story During the four hours and forty minutes that New Lee gave his night watchman at the National Pencil factory was on the stand in the trial of Leo M. Frank for the murder on April 25 of little Mary Phagan the negro, although apparently so ignorant and dull that his factious lawyers had to put his questions in simplest form and frequently repeat them stuck literally word for word to his statements, before the coroners jury and to the jury.

In one or two cases the darkey did claim that certain portions of the stenographic report of the coroners hearing was incorrect and despite the grumbling and tantalizing cross fire of Luther Rosser he hung out for what he declared to be the correct version of his statement.

That there must have been some discrepancies in the record was also brought out by Police Sergeant S. J. Dobbs who went on the stand Tuesday day to tell of answering the negro's call to the station house also declared that his testimony before the coroners had been taken down incorrectly in part.

Childishly Particular In some instances the negro made corrections of what he said which corrections of which he only the childlike Frank maintained the outward calm of the day previous. At one time during New Lee's testimony he laughed out loud at some sally of Luther Rosser's.

Frank Frightened by Gantt Lee said he came back about a o'clock and found the door open and he had to go to the door to see what was going on. He found the door open and he had to go to the door to see what was going on.

Tells How Body Was Found Sergeant L. S. Dobbs who led the party of officers to the pencil factory on the Sunday morning that New Lee gave the alarm about the murder of Mary Phagan was called upon the stand following Lee. He told of his actions from the time that he started out on the call until he had locked Lee up and had conducted Frank to the basement.

He declared that he had punched the clock regularly until he went to the basement about 3 o'clock and saw the body and after finding it to be a small body and not a dummy placed there to frighten him, how he went to the office and called police station and then tried in vain to call Mr Frank.

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Moore's Cash Store 68-70 W. Linden Special for Wednesday Until 10 O'Clock and all day Thursday 20 lbs. Granulated Sugar \$1.00 Best Creamery Butter 31c Fresh Corn, doz. 15c Fresh Lima Beans, qt. 5c Fresh Eggs, doz. 19c Cream Cheese, lb. 19c Pure Section Honey, lb. 15c Chickens 30c to 50c

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back of her head and with a cord tied so tightly around her neck as to cut into the flesh and that there was also a piece of underclothing tied loosely around the neck. The finding of the murder notes and reading of them to the jury were next described and then the sergeant told of his finding the girl's missing shoe and hat and of finding an apparent trace where a body had been dragged from the elevator shaft to the spot where it was found.

The reading of the murder notes to the negro was next described in detail as well as the later developments of the officers who examined the body. Sergeant Dobbs also identified the cord and underclothing found around the child's neck and told of the torn condition of her underclothes and of a black bruise on her left knee and also of bruises on her face.

Detective Starnes On Stand Detective J. N. Starnes was the third witness to be placed upon the stand since the trial began. He was called upon Tuesday afternoon and

made to tell of the various events from the time he accompanied Sergeant Dobbs to the factory until his testimony at the coroners inquest.

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# Clash Comes Over Evidence Of Detective John Starnes

When Sergeant Dobbs was called from the stand Detective J. M. Starnes, prosecutor of Frank and a detective attached to police headquarters was called in. He has been associated with the solicitor general throughout the Phagan investigation.

The defense and prosecution clashed in perhaps their most spectacular battle over an attempt of Attorney Rosser to force the detective into recalling the exact words of a portion of his testimony at the coroners inquest.

Argument was advanced by both attorneys Dorsey and Hooper and each member of Frank's counsel at the coroners inquest.

The apparent motive of the defense was to discredit certain portions of Starnes story relative to his telephone conversation with the accused superintendent when he notified him of the tragedy at daybreak Sunday morning.

The result was a rule by Judge Roan to allow the defense to remind the witness of the exact statement and circumstances. It was followed by an amendment the question finally going unasked.

An Effort to Impeach During the course of the detective's testimony the solicitor general accused the defense of endeavoring to impeach Starnes. Starnes was told however by Attorney Rosser that no statement was being made against this line Starnes answered.

I hope not because I'm trying to tell the truth. When did you first reach the pencil factory? the solicitor questioned about 6 o'clock on the morning of April 27, he answered.

Found a Girl's Hat. I saw Sergeant Dobbs and he carried me into the basement. We looked around and I found a girl's hat. We inspected the broken staple in the rear door.

Was the body there at that time? No. How was the rear door supposed to open? It slid south.

What did you do later in the day? I went to police headquarters and with Chief Lanford Detective Black took New Lee back to the pencil factory. We went into the basement and later I called Superintendent Frank over the telephone.

How long did it require to get him? Only a short while. He answered the phone himself. What was the conversation? I asked him if he were superintendent of the pencil factory and he replied that he was. I told him I was a detective and wanted him to come directly to the factory. He said he had not breakfast. I said I asked an automobile for him.

Where is the night watchman? I told him he was there. Boots Rogers and John Black went for him in Rogers car. Did you tell him what had happened at the factory? He didn't ask.

How long was it before he arrived? In a very short time. Not more than thirty minutes. What was Lee's demeanor when carried back to the plant? Conduct Means Much as Words.

An objection to this question was made by the defense. Attorney Arnold declared that the negro's conduct meant as much as his words. This thing he said meaning the trial is going entirely too much on looks.

Lee Roan however sustains the solicitor. The witness answer was he was calm and composed. Did you observe Frank's deportment? He appeared nervous—different from other men who were around the place.

Detail his manners and movements. Here Judge Roan asked the witness what he meant by 'just nervous.' He was nervous and not composed. Frank's answer was where did he go?

I don't know. When was he trembling and nervous? When they first brought him to the factory. Did you talk with him? No.

Did you see any slips punched in the watchman's clock? Yes. About a week afterward I went to the factory late one night after I had gone home and got the watchman to lead me through the building. I took out a slip covering period from 6 o'clock at night until 6 o'clock in the morning until 6 o'clock in the afternoon.

Were there any other specimens of this cord on the second floor? Corde in the Basement.

'I didn't see any. There were many though in the basement. Did you find anything near the dressing room on the second floor? On the following Monday I saw

near the door on the northwest corner a number of spots that resembled blood like the blood spots we found in dressing room No. 7.

How far were these spots from the end of the dressing room? About two feet. What did you do upon this discovery? Got a hammer and chisel and chip

pevered up the wood containing the spots. How large were the chips? About the size of the palm of the hand.

Did anything else beside blood? Some white stuff like white wash that had apparently been spread to conceal the spots.

Were there means of locking the doorway to the rear stairs? Yes. Blood Found on Wall. With the shutters closed on the north side of the building is the metal room dark or light?

About half and half. Did you find blood anywhere else? Several spots on a nail I found in the metal room.

Were there any spots on the floor where this nail was found? Yes in spots for a small area. Was there any of this white stuff there? No.

Find any other blood spots? Yes in finger prints on the rear door. Explain the location of blood spots relative to dressing room No. 7 and the elevator.

The first spot was about 50 feet from the front stairway and the second about 30 feet from the double doors that divided the metal department from the front of the second floor.

Attorney Rosser took up the examination. Says Staple Is Bent. Let's see Starnes about some of these things to which you are testifying. He began picking up the metal staple that had been pulled from the basement door and holding it to view of the witness. This staple is bent isn't it?

Yes a little bit. 'Well, recollect the attorney you can't expect such a little thing as this to be bent a quarter of a mile can you? I can't see very well without glasses.

Oh you're getting old like I am—that's what the matter with you. He said the least Mr. Rosser continued 'its prongs are not straight by any means. When did you first see it? About 5 or 6 o'clock that Sunday morning.

When did you first see Mary Phagan's hat? At the same time. Found it After Three Hours. Then you found it three hours after the police got to the scene? Yes.

If that be true they found the shoe on the same trash pile and overlooked the hat? Yes they said they didn't suspect it was the girl's hat. Do you mean to say that a crowd of detectives blundered like that? They weren't detectives they were policemen.

Did you find anything else? I found a gas pipe on the following Monday. If this pipe was found on Monday it might not have been there on Sunday? It is possible. What size was it—one quarter of an inch? About that size.

Defense Concedes Point. At this juncture the solicitor objected to the question Mr Rosser conceded saying. Talk kindly and I'll do anything in the world for you. He was smiling good naturedly at the table by which sat attorneys for the state.

'You took charge of New Lee, didn't you?' Mr. Rosser continued. 'Yes, Black and I.' 'You kept him in the office, didn't you?'

'Yes.' 'Boots Rogers, was in the office with you, eh?'

'I don't remember.' 'Did Not Correct Rogers.' 'Did you hear Rogers testify at the inquest?'

'Yes.' 'He made a mistake in his testimony you didn't correct him did you?'

'It wasn't my business to correct him. Do you mean to say that you who represent truth shouldn't correct an error that concerns you or your work?'

Mr Dorsey objected to this. He accused the counsel for the defense of attempting to impeach the detective and of trying to impeach Rogers before the latter had entered the case.

Mr Rosser declared that Starnes had stood idly by and watched a witness for the state give a erroneous testimony. The solicitor contended that it was inadmissible to impeach Rogers which it was apparent the defense was endeavoring to do before Rogers had come into the case.

The solicitor was overruled. Mr Rosser continued with his examination. You heard him state at the inquest about being in the office did you not? I think so.

Attorney Clash. Do you profess to give the words of the state given words Frank over the telephone the morning of the discovery after three months have elapsed? I will as near as I can.

Then if your memory is so good give me the exact words you spoke at the coroners inquest. The solicitor interposed saying it was irrelevant to attempt to learn from Starnes what he had testified to at the inquest inasmuch as his statement stood as documentary evidence in form of stenographic notes.

Attorney Arnold arose from the table of the defense counsel saying. The solicitor complains of being late in this case. He is taking more time by talking than it would require to submit evidence.

Will Try Case by Law. Mr Dorsey arose and said for want to try this case according to law if it takes a year.

Continued on Page Three

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Continued from Page Two.

Following which, Mr. Arnold again said: "We don't want to impeach Starnes. We want to sift him, to determine him—we have a right to. If he remembers one thing perfectly, he can surely remember another. We only want to test his memory—that's all." "They have a right to test his memory on everything but sworn testimony," said the solicitor. "Otherwise, it's unfair."

"You can pick out anything to which he testified in this trial," said Judge Roan. "That is my ruling."

Attorney Rosser insisted upon his question, however, Mr. Dorsey arose, exclaiming:

**Ask Enforcement of Rule.**

"I ask the judge not only to rule, but to enforce the rule."

"You testified at the inquest to having made Lee rewrite the murder note, didn't you?" Mr. Rosser asked the witness. "Give me your exact words."

Before the witness could answer, Mr. Dorsey interposed:

"He must remind the witness of the exact time and place of the statement to which he has reference."

Mr. Rosser replied:

"I disclaim any disposition to impeach Officer Starnes."

An amendment was made to the judge's decision which permitted the attorney to ask this question:

"Can you recall your exact words at the inquest?"

"I may be able to do so, and I may not."

**Testimony Is Important.**

"Then, you telephone talk with Frank, as unimportant as you considered it?"

Mr. Dorsey objected, but was overruled.

"Was it an important message—did you consider it so?" Rosser resumed.

"Yes."

"Why? Also, how did you recollect it so well?"

"I had witnesses—Boots Rogers and I think, Detective Black."

"Aren't you mistaken?"

The witness paused, after which he said:

"Maybe so—I believe I am."

"Some splashes of blood are still on the second floor, aren't they?"

"I suppose so."

"It was Monday you found the spots?"

"Yes."

"There was no way of telling how long they had been there, was there?"

"No."

**Says Floor Is Dirty.**

"Isn't that floor the dirtiest you ever saw?"

"Not the dirtiest, although it's pretty dirty."

"Don't think I'm trying to impeach you, Starnes."

"I hope not—I'm trying to tell the truth."

"Do you know whether or not the back doors were open on the day of the tragedy?"

"I do not."

"Didn't you find all over the factory strings like this one you have here—the kind of cord found about the girl's throat?"

"I can't say it was exactly alike or even made in similar shape."

"As a matter of fact, there was plenty of cord in all parts of the factory."

"There generally were pieces of cord in all parts of the building."

"You are testifying now of facts as you know them, are you not?"

"Yes."

**Looks for Purse.**

"Did you ever look for Mary Pha-

Members of Mary Phagan's Family Who Are Attending Frank Trial



Photo by Francis E. Price, Staff Photographer.

Miss Mattie Phagan, aunt of Mary Phagan; Mrs. J. W. Coleman, her mother, who was a witness on Monday, and Ollie Phagan, her sister.

gan's purse?"

"Yes."

"Ever look for the artificial flowers and ribbon she wore on her hat?"

"No, I don't find either."

"No."

The solicitor took up the question:

"Do you know, of your own knowledge, whether or not she had a purse with her when she was slain?"

"No."

"When you talked to Frank over the telephone that morning, were you guarded in what you said?"

**Counsel for Defense Objected.**

Counsel for the defense objected to this question. Judge Roan ruled that the solicitor could ask the witness only what he had said to the defendant.

"Yes, I was guarded," admitted the witness.

Rosser took charge of the witness.

"What did you mean when you told a short time ago that your conversation with Frank was casual?"

"A talk between two gentlemen over the telephone."

"Do you recognize these chips of wood as the pieces you chiseled from the second floor of the pencil factory—the ones containing the blood spots?"

Witness identified the chip specimens.

At this point, the clothing worn by Mary Phagan when her body was discovered was submitted as evidence. Every piece, including a bloody handkerchief discovered near her body, was admitted without protest.

"Did you see Frank at police headquarters?" questioned Rosser.

"Yes—everyday he was there."

"Were you there Monday when he was summoned?"

"I believe so."

Starnes was dismissed from the stand.

The solicitor asked that the chart of the pencil factory, to which he had made frequent reference during all examinations of the day, be admitted as

evidence. Attorney Rosser asked first that he be allowed to inspect it.

**Protest Against Drawing.**

He protested vigorously, saying that the drawing was inadmissible. It had once been used as a newspaper illustration to a story of the Phagan crime. He read from the key words inscribed at the bottom of the chart:

"Black dotted lines indicate course taken by the accused. Cross indicates where the girl was murdered on the second floor."

He turned to face the solicitor.

"I didn't think Mr. Dorsey or Mr. Hooper would undertake to put such a thing over on me."

"I realized that the plat was inadmissible."

**Drawing Will Be Changed.**

"The whole drawing is an argumen-

tative picture of the state's theory," said Mr. Arnold. "Pictures convey the strongest kind of argument. The dotted lines on this picture are as eloquent as words. A plat that is fair should be nothing but a bare representation of facts."

The solicitor agreed to remove the key words and lines from the chart.

"A naked plat," said Judge Roan. "It is admissible, but if it contains anything argumentative, it is inadmissible."

The chart will be changed.

As the clock hands reached 5:07, the judge asked the solicitor if he had a "short witness" which he could place on the stand. Upon being informed that none was available, the session was adjourned until 9 o'clock this morning.

the roots of the hair where I put my hands."

"Was it a damp or dry place where you found the body?"

"Well, rather damp."

**Identifies Murder Notes.**

Dobbs then identified the murder notes and also the scratchpad which he found near the body, one note at the spot and another near the girl's head.

"Did you know who this girl was?"

"No; but I learned later she was Mary Phagan."

He then was made to go into detail about the position of the body and of how he poked around in the sawdust with his cane in search of some evidence.

Then the officer told of sending Lee to jail and declared that Lee was not excited but was cool. Solicitor Dorsey then had the officer go into detail about the drawing, and Mr. Rosser made strenuous objections to this, but Dorsey won his point and Sergeant Dobbs finally declared that the drawing was perfect as far as he knew.

Mr. Rosser then took up the cross-examination and asked a number of questions about the picture, making the officer look away from it while answering. The attorney seemed to be doing his best to discredit the drawing.

"Was Lee excited?" he suddenly queried.

"No."

"Could you tell if the girl was white or black right at once?"

"No, I could not."

"Didn't you have to turn the body

or black?"

"Yes."

**Reason for Questions.**

Lee had previously testified that when he saw the body and got close enough to convince himself that it was really the body of a person and not a dummy placed there by some boys to frighten him that he could tell by the "frizzy hair and white spots on the face" that she was a white girl, and the attorney seemed to wish to start proof that Lee had either approached much closer to the body than he had said he did, or else knew something more about the affair than he had told.

Mr. Rosser then made Dobbs go over the detail of finding the notes

and also of finding the girl's missing shoe and hat and of the fact that the ribbon upon the hat was gone when he found it.

"Dig the body look like it had been dragged and did there show any traces on the ground where it might have been dragged?" asked Mr. Rosser.

"Yes, sir, the body looked somewhat like it had been dragged by the feet and with the face down and I thought I found evidence of where something like a body had been dragged from the elevator shaft to the place where the body lay."

**Did Not Appear Excited.**

Mr. Rosser again took up the question of whether or not the officer believed Lee was excited when he came in. Sergeant Dobbs declared Lee did not appear excited.

"From where Lee showed you he first saw the body, could it really have been seen?"

"I think so."

"Didn't you swear before the grand jury," thought I saw marks where a body had been dragged from the elevator shaft to where the dead girl lay," he answered the next question.

**Produces Stenographic Report.**

Here Mr. Rosser again produced the stenographic report of the coroner's hearing and did the officer, and despite the production of the sworn notes of the court stenographer, the officer held to his original statement and declared that he had at first declared that the marks of a body being dragged had begun in front of the shaft and that he had said that all along.

Sergeant Dobbs then told of finding the staple pulled off the back door of the basement and the bar being pulled back. He was again made to go into detail in regard to reading the notes to the right watchman and swore that Lee had interrupted with "That's me, boss," when he reached the word "night" in reading the note.

After he had gone into more detail about the girl's clothes and the torn or cut condition in which they were found, court adjourned until 2 o'clock.

Sergeant Dobbs Resumes Stand At Tuesday Afternoon Session

Sergeant L. S. Dobbs took the stand again at the afternoon session.

"Did you help take the girl's body from the basement?" Attorney Rosser questioned.

"I was there when the undertakers came," answered the sergeant.

"Who cleaned the girl's face?"

"Sergeant Brown, I believe."

"How?"

"With a piece of paper."

"How was the body removed?"

"In a corpse basket."

The examination was taken up by the solicitor general.

"What is the distance from the ladder to the spot where the body was found?"

"About 150 feet."

**Found Slipper and Hat.**

"Did you discover anything on a trash pile in the basement?"

"I found a slipper and saw a blue hat."

"Is this the hat?"

(The wide blue straw hat worn by Mary Phagan was held before the witness.)

"Yes—that's it."

"Did you make any experiments in the basement?"

"About 10 o'clock that night I went to the basement in company with other policemen. We put a bundle in the spot on which the body was found, and, with a lantern similar to the watchman's, were able to see it from the point at which Lee said he had first seen the body."

"Were you satisfied that Newt could see the body from the point which he had described?"

(An objection made by the defense to this question was sustained.)

"Could an ordinary man carry a

body through the scuttle hole in the first floor?"

"I hardly think so. It is difficult for a man to get through it alone."

"Were there signs of a body having been dragged in the basement in front of the elevator shaft?"

"Yes."

"How did the staple in the back door appear to have been extracted?"

"Pulled straight out."

**Body Cold and Rigid.**

"Any indication that it had been forced out by pressure from outside the door?"

"No."

"Was the girl's body warm or cold?"

"Cold and rigid."

"Describe its condition."

"The hands were folded across the breast, and it lay stretched out, head toward the scuttle hole."

"Did you search the first floor for scratch pads or clues?"

"Yes."

"Find any?"

"No."

The defense resumed the interrogation.

"Do you know how the staple was extracted?"

"No—I have only an idea."

"Wouldn't it be possible for a man to drop a body through the scuttle hole?"

"Yes, if he dropped it through head-first."

It was clearly evident from the nature of questions put by Mr. Rosser that the defense would attempt to show that Mary Phagan's body had been lowered through the scuttle hole and not carried down upon the elevator as argued by the prosecution.

Sergeant Dobbs was then excused

turn her over," he stated, "and when I saw her white skin on her body where her clothes were torn and when I brushed the dust off her face, I knew she was white."

"There was some blood on the back of her head and it was dry on the outside, and moist near the skull where I placed my hand," he continued. "A cord was tied so tightly around the neck that it had cut into the flesh and over that a piece of underclothing was tied, but it was not at all tight."

"I accused Lee of doing it or of knowing who did," the officer went on, "and I looked around and saw a couple of notes after I had poked this stick of mine into the sawdust. They read about like this—"

He had started to repeat the notes when the solicitor stopped him and it was at this point that he testified that the cord and piece of cloth exhibited were very similar to those he had seen that morning.

"There was not much blood about the hair," he replied in answer to the solicitor.

"Was it moist or dry?"

"Dry on the outside and moist near over to talk whether she was white

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**Officer Tells About Discovery Of Body of Girl in Basement**

Sergeant L. S. Dobbs, one of the policemen who answered Lee's call to the factory, was put on the stand, after Lee was dismissed.

He told of the call at about 3:20 a. m. on April 27, and of how he and Officers Anderson and Brown, with "Boots" Rogers, an ex-county policeman, and Britt Craig, of The Constitution, went to the factory and found the body.

The officer declared, among other things, that Lee was not frightened or trembling when they got there, that they had difficulty in telling at first whether the girl was white or black, and that Lee had interrupted his reading of the note when he reached the word "night" by saying, "Boss, that's me."

Sergeant Dobbs went into detail about the cord around the girl's neck, and also the torn piece of underclothing tied loosely around the neck over the cord. He declared that the rope and piece of cloth exhibited were very similar to those he saw that morning, but would not swear they were the identical ones.

**Knew She Was White.**

"I couldn't tell at first whether the girl was white or black, and had to

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# Mother and Daughter in Tears As Clothing of Mary Phagan Is Exhibited in Courtroom

Solicitor Dorsey stood before Detective Starnes at the witness box yesterday afternoon and held to view a lavender frock with a bit of pink ribbon at each shoulder. In the hand that was lowered at his side he held a wee slipper.

"Do you recognize this dress?" he put to the witness.

"I do."

"To whom did it belong?"

"To Mary Phagan, the girl who was killed in the National Pencil factory."

**Mother and Daughter Sob.**

A moist-eyed woman, gray beginning to tuck her hair and betray her fifty years looked sadly upon the articles in the solicitor's hands. Her daughter beside her strove bravely to check her tears, but bowed her head in a sobbing fit she could not restrain.

They were Mrs. J. W. Coleman, Mary Phagan's mother, and Mary's sister, Ollie. Ollie could not remain in the courtroom and her mother lowered her head in tears as the lawyer displayed, piece by piece, every article of the slain child's garments.

The solicitor held each bit of the girl's apparel in view of the entire courtroom for identification from the witness. As Starnes would signify that he recognized the articles before him the solicitor would say:

"This is such and such an article identified as having been worn by Mary Phagan on the day of her death. Is it admissible as evidence?"

Counsel for the defense would group their heads together at their table, nod consent, and Judge Hoan, upon the bench, would say:

"Admitted as evidence."

It was a cruel proceeding, no doubt, thought the mother and sister, but one made necessary by law. Many of the pieces they recognized, recalling with a tear the days they worked with thread and needle to fit Mary in the best their talents and home could afford.

**Proud of Her Work.**

And Mary, herself, had been a competent seamstress. She had always been making something and, whether it was doll clothing or her own dresses, she was always proud of it.

There the lawyer held in his hand the pink frock which had gladdened the little girl's heart and which she had intended wearing to Marietta the next Monday. No had one of her shoes—the pair she, herself, had selected and contributed a dollar and her wages toward the purchase—and was

waiting to display when the dress was admitted.

Mrs. Coleman was crying softly—what mother, who had lost a loving daughter, could have held back her tears! It was the first time she had ever been in a courtroom—she had always striven to avoid them.

People stared at them all the while. The mother and daughter sat conspicuously, as the only seats they could find were two selected for them on the postern. Everywhere they looked eyes would be focussed upon them.

But, even the gaze of the morbid—the sensation-seeking court auditor whom you will find at every tragedy—melted into a warming look of sympathy as his eyes met those of the sorrowing mother and sister.

**Garbed in Black.**

They were garbed in black—black from head to foot with no relief. Heavy, dark veils fell over their faces, and they lifted them only to dab a handkerchief to filling eyes. Mrs. Coleman has said to reporters—and so has Ollie—that they would not be at the trial were they not subpoenaed as witnesses. It is as hard for them to bear as the tragedy itself, for every phase of the proceedings brings memory of that bleak and unforgettable day when the little girl next door ran over at daybreak and said to the home-folks of Mary:

"Oh, Mrs. Coleman—Mary's been killed at the pencil factory!"

Monday morning Mrs. Coleman was the first witness called to the stand. She walked weakly and had to be assisted into the box. She whispered replies and choked back the catches in her throat. When the solicitor held the clothing of Mary before her eyes, asked her if they had been worn by the child, she tried to answer.

**Breaks Down in Tears.**

A sob was in her throat and a tear welled into her eye. She drew the handkerchief to her face and broke into weeping. The solicitor, as though his task were fully as distasteful as it looked, dropped the arguments to his table and began new questions.

Even Attorney Rosser, whose cross-questioning is feared by the strongest witnesses, put his questions to the sobbing mother in a tone in which his sympathy was most evident. He asked barely a half dozen questions, then said:

"You may come down, Mrs. Coleman," without giving the state a chance for examination in rebuttal, knowing that even such a relentless thing as the state would not wish to further persecute the bereaved parent.

of the pickets before two mighty armies come together.

Thus far the interest, while to a certain extent centered on the maneuvering, has been mostly of the future tense. Every one is looking forward to what is to come. A fierce skirmish that almost engaged the two sides in real and earnest conflict came over the cross-examination of Nevt Lee, and in it the state won. It was rather through the rare character of the negro testifying and his following able spirit that the state won its first skirmish than through the efforts of its lawyers.

**Much Depends Upon Conley.**

It is the amount of weight to be placed upon James Conley's affidavit, that if believed would convict Frank and if held false would turn the charge upon the maker, that the public waits.

What will Dr. J. M. Hurt, the coroner's physician, testify? This is a question that has been frequently asked. Dr. Hurt delivered his testimony only before the executive session of the grand jury, and not a word of his evidence has been made public.

What will become of the Mincey affidavit is something that is puzzling spectators who are closely following the developments from day to day. The developments, if believed, would hang Conley, as sure as Conley's would hang Frank, should it be believed.

There are other witnesses who will be produced. It is said, whose names have never been called, and one of these is said to be a physician who will be put upon the stand by the state in an attack upon Frank. While the evidence he will give is not known, it is asserted that his testimony is intended to establish a link in the state's chain of evidence.

**What Defense May Do.**

The probability that the defense will introduce no witnesses at all is something that has caused much speculation and many attorneys believe that they will not.

Then, there is a strong chance that the defense has a witness whom they are saving and whose testimony will come like a sudden discharge of Maxim's upon an advancing army and wither up the state's attacking forces as they seek to establish their position.

Certain it is that a terrific fight will be made by the defense to batter down the negro Conley's testimony and that the grueling under which Nevt Lee stood up Tuesday will be nothing to the assaults upon Conley.

Mincey may expect the same treatment from the state and it is known that every effort will be made to attack his testimony and to show him unworthy of belief.

**Dr. Hurt's Testimony.**

That one of the great fights to be made by the defense will be upon Dr. Hurt's testimony is one of the later developments in the case. The public generally does not know what the physician will testify about the condition of the Phagan child's body and about a score of other details, but it is known that the defense has obtained at least an inkling of its import and is making every preparation to batter it down and to discredit it.

That the big fight will be made upon the statements of Dr. Hurt, W. H. Mincey, the negro Conley, the unknown physician and possible unknown witnesses, does not indicate that each point will not be contested to the very last and that each witness will be strained to the final ounce

of his strength before he is ready to leave the stand.

From the fight made on the first two days and the frequent references to the minutes of the coroner's hearing it appears that the case will last through another week and will be marked by the wonderful amount of detail in it.

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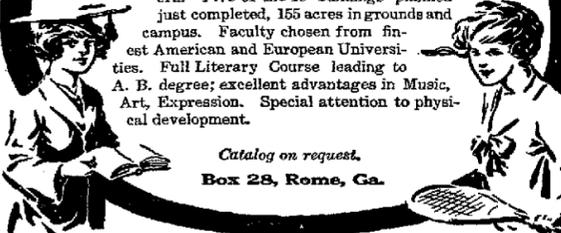
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# First Two Days of Frank Trial Only Skirmishes Before Battle

During the two days' progress of the Frank trial public interest has centered around the case and all eyes seemed turned to it. To date the interest has really been in watching the

struggle between the skilled attorneys who are fighting for position and whose clashes over the preliminary witnesses are merely the skirmishes

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A High Grade Institution For Young Women  
Beautifully located near the mountains in the most healthful section of the South—not a death in the College during the forty years of its existence. Every convenience of modern home. Only two girls to a room, with large study between every two rooms. Every building of re-enforced concrete, absolutely fire-proof, thoroughly modern. Five of the 18 buildings planned just completed, 155 acres in grounds and campus. Faculty chosen from finest American and European Universities. Full Literary Course leading to A. B. degree; excellent advantages in Music, Art, Expression. Special attention to physical development.  
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**Is your boys education troubling you?**

"Of all the ills under the sun,  
There is a remedy or there is none.  
If there is one, do you wish to find it?  
If there is none, why do you mind it?"

We have applied the remedy for others, and that is our business. We point, with pride, to the college records of our boys.

Not a death or a serious case of sickness in the THIRTEEN YEARS' history of our school. Write for a catalog, and consider our plan.

**University School for Boys, Box 32, Stone Mountain, Ga**

## MEN AND RELIGION BULLETIN No. 66

# Chaingangs in Georgia

## You Will Write "HOPE" Into Our Laws

**"The way of a man with a maid."**  
---Proverbs 30:19

It is not a doll in her arms.  
The child-mother is nursing her fatherless baby.  
What have we done to her?  
You said in your laws:  
"She can sell herself if she is ten years old."  
But she must be twenty-one before she can trade a cow or hog.  
You appropriated thousands of dollars to save cattle from the tick—  
Thousands to make hog cholera serum—  
And thousands to study hogs that are sick.  
You gave nothing for these pitiable girls.  
Georgia has no place for them.  
For want of it, seventy-five known to us—they are only children—they are being lost today.  
Only God knows how many more!  
Forty-four other states have reformatories for such as these.  
The bill introduced by Jones of Coweta and Mills of Butts provides a reformatory for girls in Georgia.  
The Prison Commission approves it.  
The Penitentiary Committee has unanimously recommended that it pass.  
The Committee on Appropriations referred it to a subcommittee of Judge W. H. Griffin, chairman; S. E. Berry, C. F. Holberg, A. B. Greene and J. L. Lane.  
They have recommended that thirty thousand dollars be appropriated and the bill be made the law.  
Father, grant that this be done.  
No man in Georgia values a cow or hog more than he does a girl.  
We had not seen the bitter need.  
You can and will provide for these.

**"Judge righteously and plead the cause of the poor."**  
---Proverbs 31:9

A boy of seventeen stole a ride on a train.  
You arrested him for this.  
He did not have the money to pay his fine.  
For this lack of funds we clothed him in stripes and put him in our chaingang for eight months.  
If our laws had provided for probation, our Judge could have released the boy on good behavior.  
He could have given the boy a chance.  
Twenty-five other states allow their Judges to help instead of destroying moneyless first offenders.  
By writing Probation into our laws you would not compel—  
But you would give your Judge the right to save a boy or girl.  
A bill, introduced by Senator Tarver and Representatives Myrick and Gower, making this the law, is pending in the Legislature.  
Judges and the Prison Commission—  
And the Judiciary Committees of both Houses have approved it.  
You will.

**"For we are saved by hope."**  
---Romans 8:24

If the Indeterminate Sentence were the law in Georgia, a Judge, in sentencing a man, would say:  
"Not less than —, not more than — years."  
Within the limits named, the man's stay in the penitentiary would depend upon himself.  
Hope of liberty, instead of fear of the lash, would make him obey.  
He would win release by showing himself fit to be free.  
His incentive for not committing crime again would be this: Caught a second time, he might be sentenced as an habitual criminal for the greatest number of years prescribed for that particular crime.  
In Illinois, in the twelve years before the indeterminate sentence became the law, one Judge sentenced either three or four different times the same one hundred criminals.  
In the twelve years since it was made the law only four have had to be resented by him.  
Commitments to the penitentiary have been forty per cent less, despite the great increase in population, in that state in the ten years since the indeterminate sentence became part of its law.  
Twenty-two states have adopted it.  
The Prison Commission and the Penitentiary Committees of the House and Senate approve the bill of Senator Foster and Representative Loyd that will make it the law of Georgia.  
You, like them, would rather save than destroy the fallen.  
You will help make this the aim of Georgia.

THE EXECUTIVE COMMITTEE OF THE MEN AND RELIGION FORWARD MOVEMENT